

(1) *Extra large* means any size count which falls within the range of 25 to 40 prunes, inclusive, per pound;

(2) *Large* means any size count which falls within the range of 40 to 60 prunes, inclusive, per pound;

(3) *Medium* means any size count which falls within the range of 60 to 85 prunes, inclusive, per pound; and

(4) *Small, breakfast, petite, or economy* means any size count which falls within the range of 85 to 100 prunes, inclusive, per pound.

[26 FR 8281, Sept. 2, 1961, as amended at 49 FR 35930, Sept. 13, 1984]

§ 993.516 Tolerances and limitations.

With respect to in-line inspections and floor inspections, prunes in a particular lot shall, subject to the other applicable requirements of this section, be considered as being according to a particular size category prescribed in § 993.515 if the average size count of the prunes in such lot falls within the range of the size counts specified for such size category, and the count per pound of 10 ounces of the smallest prunes in a sample of 100 ounces varies from the count per pound of 10 ounces of the largest prunes in such sample by no more than 45 points.

LABELING

§ 993.517 Identification.

The size category of the prunes in any lot shall be clearly marked by the handler on each consumer package of such prunes, on the parts or panels of the package or label which are normally presented in retail display, in terms of the applicable numerical or nomenclature designation prescribed in § 993.515, which designation shall not be lacking in prominence and conspicuousness. Any handler may, at his option, clearly mark on such consumer package additional information describing in numerical terms the average size count, or particular range of size counts, of the prunes in such lot so long as such numerical terms fall within the range of the size counts of the applicable numerical or nomenclature designation and do not tend to be deceptive as to the actual average size count, or range of the size counts, of the prunes in such lot. Descriptive

terms other than synonyms of the prescribed nomenclature designation or words of like connotation, describing the style of pack, variety of prune, or other item of commercial significance may also be marked on the consumer package. Prunes in any lot of which the maximum size count is less than 25 shall be clearly marked by the handler in terms of the applicable numerical designation prescribed in § 993.515(a); and the handler may use nomenclature terms descriptive of size other than the nomenclature designations prescribed in § 993.515(b).

[26 FR 8281, Sept. 2, 1961, as amended at 46 FR 38070, July 24, 1981]

COMPLIANCE

§ 993.518 Compliance.

Whenever the season average price to producers for prunes is below the parity level specified in section 2(l) of the act, no handler shall ship consumer packages of prunes unless such prunes are packed and labeled in accordance with the specifications prescribed in this subpart; and whether prices are above or below parity, no handler shall use the nomenclature designations in § 993.515(b) to describe size categories other than those prescribed pursuant to § 993.515(c).

Subpart—Grade Regulations

§ 993.601 More restrictive grade regulation.

(a) *Incoming and outgoing regulation.* Whenever the estimated season average price to producers for prunes does not exceed the parity level specified in section 2(l) of the act, the minimum standards which handlers' receipts of natural condition prunes are required to meet pursuant to § 993.49(a) shall be the standards specified in §§ 993.49(a) and 993.97(I), and the minimum standards which handlers' shipments or other final dispositions of prunes are required to meet pursuant to § 993.50(a) shall be the applicable standards set forth in § 993.97 *Exhibit A; minimum standards*, except that the following revised tolerance allowances shall apply in lieu of the tolerance allowances prescribed in paragraphs I C(2), II C(3), I C(5) and II C(6) of § 993.97 as follows:

§ 993.602

(1) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(2) The combined tolerance allowance for mold, brown rot, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%), and, within such tolerance, brown rot shall not exceed three percent (3%).

(b) *Above parity situations.* Whenever the estimated season average price to producers for prunes exceeds the parity level specified in section 2(1) of the act, the minimum standards set forth in § 993.97 shall apply in their entirety.

[27 FR 7540, Aug. 1, 1962, as amended at 59 FR 38113, July 27, 1994]

§ 993.602 Maximum tolerances.

In lieu of the provision prescribed in I C of § 993.97 that the tolerance allowances prescribed therein shall be on a weight basis, the tolerance allowance percentage for each defect or group of defects in I C of § 993.97 shall be derived by dividing the number of prunes in the applicable sample affected with the applicable defect(s) by the total number of prunes in such sample.

[39 FR 30344, Aug. 22, 1974]

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS HANDLED BY PERSONS NOT SUBJECT TO THE PEANUT MARKETING AGREEMENT

DEFINITIONS

- Sec.
- 997.1 Secretary.
- 997.2 Fruit and Vegetable Division.
- 997.3 Act.
- 997.4 Person.
- 997.5 Peanuts.
- 997.6 Loose shelled kernels.
- 997.7 Fall through.
- 997.8 Pickouts.
- 997.9 Fragmented.
- 997.11 Producer.
- 997.12 Production areas.
- 997.13 Area association.

7 CFR Ch. IX (1–1–98 Edition)

- 997.14 Handle.
- 997.15 Handler.
- 997.16 Crop year.
- 997.17 Inspection service.

QUALITY REGULATIONS

- 997.20 Incoming regulation.
- 997.30 Outgoing regulation.
- 997.40 Reconditioning and disposition of peanuts failing quality requirements.
- 997.50 Inspection, chemical analysis, certification and identification.

ASSESSMENTS

- 997.51 Assessments.

REPORTS, BOOKS AND RECORDS

- 997.52 Reports of acquisitions and shipments.
- 997.53 Verification of reports.
- 997.54 Agents.

ASSESSMENT RATES

- 997.101 Assessment rate.

AUTHORITY: 7 U.S.C. 601–674.

SOURCE: 55 FR 49983, Dec. 4, 1990, unless otherwise noted.

DEFINITIONS

§ 997.1 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

§ 997.2 Fruit and Vegetable Division.

Fruit and Vegetable Division is synonymous with Division and means the Fruit and Vegetable Division of the Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456.

§ 997.3 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*).

§ 997.4 Person.

Person means an individual, partnership, corporation, association, or any other business unit.